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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,371	03/01/2004	Nitin Desai	222106-1170	9364
24504 7590 05/26/2009 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994				
EXAMINER				
CHIANG, JUNGWON				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
05/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/790,371

Applicant(s)

DESAI ET AL.

Examiner

JUNGWON CHANG

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the Applicant's election of Group II (claims 11, 12, 16 and 17) filed on 3/3/09. Claims 11, 12, 16 and 17 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch, Jr. et al, (US 2004/0266439), hereinafter Lynch, in view of Punaganiti Venkata et al, (US 2005/0097087), hereinafter Punaganiti.
4. As to claim 11, Lynch discloses the invention as claimed, including a method of providing services over an ad-hoc, peer-to-peer, wireless network (fig. 1) comprising:
- within a portable device, transmitting a service discovery message to a fixed multicast group over said network (page 4, 0046, "upon receiving a request to discover local Bluetooth services");
- receiving a service advertising message from at least one other portable device of said fixed multicast group (320, fig. 3; page 3, 0032, "ad hoc piconet services that are available are advertised");

matching a service specified by the service advertising message with a location within a service registry of the portable device (page 4, 0046-0047; page 6, 0066); and wherein the matched service specifies a network address for retrieving information about the matched service (page 4, 0047, "URL reference"; page 6, 0066).

5. Although incorporating the matched service within the service registry is obvious to one of ordinary skill in the art, Lynch does not specifically disclose incorporating the matched service within the service registry. Punaganiti incorporating the matched service within the service registry (628, fig. 6; fig. 7; page 7, 0074; page 4, 0045). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Lynch and Punaganiti because Punaganiti's teaching would allow the user to request the discovered service at any time later, as taught by Punaganiti (page 7, 0074).

6. As to claim 16, it is rejected for the same reasons set forth in claim 11 above. In addition, Lynch discloses a machine-readable storage, having stored thereon a computer program having a plurality of code sections executable by a portable computing device for causing the device to perform the steps (page 2, 0019-0020, "computer-readable memory").

7. As to claims 12 and 17, Lynch discloses further comprising: transmitting a query to the network address of the matched service requesting additional information about

the matched service; receiving the additional information (page 6, 0063-0066, "web service description"; page 3, 0028); and invoking the matched service (page 7, 0068-0069).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Miller et al, US 2005/0004916, Moon et al, US 7,386,318, Nykanen et al, US 2003/0133554 disclose method and system for interacting between a mobile user and peer-to-peer system for providing location based services.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNGWON CHANG whose telephone number is (571)272-3960. The examiner can normally be reached on M-F 6:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUNGWON CHANG/

Primary Examiner, Art Unit 2454

May 20, 2009